

RESOLUTION NO. R-21-2023

A RESOLUTION OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, ESTABLISHING STANDARD OPERATING PROCEDURES TO IMPLEMENT THE REQUIREMENTS SET FORTH IN SENATE BILL 102, "THE LIVE LOCAL ACT" RELATING TO AFFORDABLE HOUSING REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 29, 2023, the Governor signed into law Senate Bill 102 "Live Local Act" codified at Chapter 2023-17, Laws of Florida, which is broad ranging legislation intended to streamline and incentivize affordable housing developments within the State of Florida (the "Act"); and

WHEREAS, the Act preempts certain use, density, and height regulations for qualifying developments that provide for the development of affordable multi-family rental housing in commercial, industrial, and mixed-use areas; and

WHEREAS, the City Commission supports affordable housing and finds it necessary to revise the City Code in order to establish equitable and respectful regulations for the development of mixed income developments as well as to implement the provisions of the Act; and

WHEREAS, Section 7.10 of the City Charter requires that all multi-family and nonresidential site plans, as well as any amendments to such site plans (except minor amendments as defined by ordinance), must be received at a public hearing and receive prior approval from the City Commission; and

WHEREAS, in order to be consistent with the provisions in the City Charter requiring a public hearing for multi-family and non-residential site plans approved by the City Commission, the City Commission desires to require that all site plans, submitted in accordance with the Act, must be received at a public hearing before the City Manager and receive prior administrative approval from the City Manager; and

WHEREAS, the Planning and Zoning Commission, in its capacity as the Local Planning Agency, has reviewed this Ordinance and recommends approval; and

WHEREAS, after review and consideration, the City Council desires to adopt the proposed amendments; and

WHEREAS, the City Council finds that it is in the best interest of the residents of the City to adopt this Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2. AUTHORITY. This resolution is adopted pursuant to Article VIII, Section 2 Florida Constitution; sections 166.021 and 166.041, Florida Statutes, the City Charter of the City of Green Cove Springs; and other applicable provisions of law.

SECTION 3. LIVE LOCAL STANDARD OPERATING PROCEDURES. The Council hereby adopts the Live Local Act Standard Operating Procedures as set forth on Appendix "A" attached hereto and incorporated herein by reference, to accomplish the goals of the Act. The Council hereby directs that any project applications submitted pursuant to the Acts shall be handled in substantial compliance with the SOP's attached hereto.

SECTION 4. TERMINATION. By its terms, the Act expires on October 1, 2033. This Resolution and the SOPs, shall likewise expire on October 1, 2033. In the event the Florida Legislature modifies the expiration date of the Act, this Resolution shall expire on such modified expiration date.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.


DONE AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, IN REGULAR SESSION THIS 7TH DAY OF NOVEMBER, 2023.

CITY OF GREEN COVE SPRINGS, FLORIDA



Constance Butler, Mayor

ATTEST:



Erin West, City Clerk

APPROVED AS TO FORM ONLY:



L. J. Arnold, III, City Attorney

Appendix “A” Live Local Standard Operating Procedures Policy

The purpose of this policy is to provide the city’s interpretation of LLA, identify the process for implementation, and provide additional development standards which may apply to applications seeking administrative approval pursuant to LLA. For ease of reference and to avoid redundancy throughout this memorandum, a development seeking approval through LLA will be referred to as a “qualifying development or qualifying developments”.

On March 29, 2023, Governor Ron DeSantis signed into law Senate Bill 102, also known as the "Live Local Act" ("LLA"). This bill took effect on July 1, 2023, and precludes local governments' ability to apply their use, height, and density restrictions and hearing processes to certain multi-family and mixed-use affordable housing developments. Importantly, LLA doesn't preempt other applicable local laws and regulations.

- LLA requires local governments to administratively approve development projects:
 - Where at least forty percent (40%) of the residential units are affordable in a rental agreement (as defined in section 420.0004 Fl. St.) in a rental agreement for at least thirty (30) years; or
 - If developed as a mixed-use project, at least sixty-five percent (65%) of the square footage is used for residential purposes (of which forty percent (40%) are affordable as defined in section 420.0004 Fl. St.); and are located within commercial, industrial, or mixed-use zoning districts. FS 166.04151(7a)
- Local governments are required to allow projects to develop at the highest allowed density on any land within the local government where residential density is allowed. FS 166.04151(7b)
- Local governments cannot restrict height below the highest allowed for a commercial or residential development within the city limits and within one (1) mile of the proposed development or three (3) stories, whichever is higher. FS 166.04151(7c)
- Local governments must consider reducing parking for developments near a major transit stop. FS 166.04151(7e)
- Notwithstanding the provisions of the law, projects must comply with all other local land development regulations. FS 166.04151(7g)
- This subsection does not apply to property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial. FS 166.04151(7h)

Applicable Zoning Districts

Pursuant to the City of Green Cove Springs Land Development Code (“LDC”), the following zoning districts will be eligible for qualifying developments:

- RPO Residential Professional Office
- C-1 Neighborhood Commercial
- C-2 General Commercial
- M-1 Light Industrial
- M-2 Heavy Industrial
- CBD Central Business District
- GCC Gateway Corridor Commercial
- GCN Gateway Corridor Neighborhood

Residential Density

The City's most intensive future land use category that allows residential density is Mixed-Use Reynolds Park, which allows up to 40 units to the acre by right. This will be the density permitted for qualifying (single use and mixed-use developments).

Allowable Height

Pursuant to FS 166.04151(7c) a municipality may not restrict height below the highest allowed for either commercial or residential development within the city limits and within one (1) mile of the qualifying development, or three (3) stories, whichever is higher. Sec. 117-6 provides the permitted maximum heights for all zoning districts, with heights ranging from 35' to 70'.

Other Applicable Standards for Development

Mixed-Use Projects Except for the residential density and allowable height standards described above, the following shall apply to mixed-use qualifying developments:

- A mixed-use development requesting to utilize LLA must provide at a minimum ten percent (10%) of the project as non-residential. This would be measured as a percentage of the total square footage proposed for residential and non-residential uses.
- For the residential portion of a mixed-use development, development shall comply with the provisions set forth in section 117-566 of the Gateway Corridor Commercial Zoning District. Vertical Mixed-Use Development (i.e. commercial on first floor and residential, for example) shall comply with the provisions set forth in Sec. 117-566(2).
- For the non-residential portions of a mixed-use development shall comply with the requirements of the underlying zoning district.

Single Use Projects (Residential Only) Except for the residential density and allowable height standards described above, the following shall apply to single use qualifying developments:

- Developments within the Neighborhood Future Land Use Category shall comply with the provisions set forth in section 117-123 for the Residential, High-Density R-3 Zoning District Category if located in the Neighborhood Future Land Use Category.
- Developments within the Commercial or Industrial Future Land Use Designations shall utilize the provisions set forth in section 117-566(2) of the Gateway Corridor Commercial District.

Parking

LLA requires a local government to "consider" reduced parking for a qualifying development within ½ mile of a major transit stop. Transit service in the City is supported by Clay Community Transportation (CCT) flex service shuttles, managed by the Jacksonville Transit Authority. There are two CCT routes that service the City with stops at the Clay County Health Department and Courthouse. Transit represents a small to de minimis percentage of transportation users within the City. While there isn't a definition of a "major transit stop" in the City's Land Development Code (as set forth in the statute), it is reasonable to state there is no major transit stop in the City of Green Cove Springs, as a result the parking standards set forth in Sec. 113-157 (d) shall apply.

Other Development Standards (such as but not limited to Stormwater, landscaping etc.) Shall comply with the applicable requirements set forth in the Land Development Code.

Process for Approval

The approval process for a qualifying development located within an eligible zoning district, as outlined above, shall include payment of fees, an application, site development plan, an affidavit of commitment to City of Green Cove Springs affordable housing standards for income qualification, monitoring, inspection and other.

Minimum requirements for Site Development Plan approval of a proposed quality project shall include the following:

1. A completed site plan application and attachments as set forth in the City's site plan submittal requirements in Sec. 101-357.
2. Project Narrative – Application shall contain a narrative which demonstrates compliance with Section 166.04151 (7) (a) – (g), Florida Statutes and applicable LDC provisions.
3. Affidavit of Commitment – Applicant must file an Affidavit of Commitment to record a Land Use Restriction Agreement (LURA) detailing the affordable housing restrictions, to comply with the monitoring and other requirements of the city and F.S. 166.04151 Florida Statutes. The LURA shall also outline the penalties and remedies for not complying with the LURA and the local and state requirements for a 30-year affordable housing project.

